

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 94-34 as amended

Introduced by Council President Wilson at the request of the County Executive

Legislative Day No. 94-13 Date May 3, 1994

AN ACT to add new Section 123-46.2, Conservation Land Tax Credits, to Article II, Real Property Tax Credits, of Chapter 123, Finance and Taxation, of the Harford County Code, as amended, to provide for a maximum tax credit from the County taxes on certain real properties that are subject to a conservation easement.

By the Council, May 3, 1994

Introduced, read first time, ordered posted and public hearing scheduled

on: May 31, 1994

at: 6:30 p.m.

By Order: James D. Vannoy, Acting Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on May 31, 1994, and concluded on, May 31, 1994

James D. Vannoy, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

Section 1. Be It Enacted By The County Council of Harford County, Maryland that new
Section 123-46.2, Conservation Land Tax Credits, be and is hereby added to Article II, Real Property
Tax Credits, of Chapter 123, Finance and Taxation, of the Harford County Code, as amended, all
to read as follows:

Chapter 123. Finance and Taxation

Article II. Real Property Tax Credits

Section 123.46.2. CONSERVATION LAND TAX CREDITS.

A. DEFINITIONS.

FOR THE PURPOSE OF THIS SECTION, THE FOLLOWING WORDS AND
PHRASES SHALL HAVE THE MEANINGS AS INDICATED:

(1) ENVIRONMENTAL LAND PRESERVATION COMMISSION (ELPC) — A
COMMISSION ESTABLISHED BY HARFORD COUNTY BILL NO. 90-74.

(2) QUALIFIED CONSERVATION LAND — REAL PROPERTY THAT:

(A) MEETS CERTAIN STANDARDS ESTABLISHED BY CRITERIA SPECIFIED
BY THE ELPC. THE CRITERIA ARE INTENDED TO BE USED TO
DETERMINE THE ELIGIBILITY OF LANDS FOR CONSERVATION LAND
TAX CREDITS;

(B) IS USED TO ASSIST IN THE PRESERVATION OF A NATURAL AREA;
AND

(C) IS SUBJECT TO A CONSERVATION EASEMENT DONATED TO A
QUALIFIED CONSERVATION ~~ORGANIZATION~~ ORGANIZATION; AND

(D) IS NOT REQUIRED TO ALLOW FOR PUBLIC ACCESS.

(3) QUALIFIED CONSERVATION ORGANIZATION — IS DEFINED IN SECTION
26 CFR CH. 1 (4-1-89 EDITION) AND SECTION 1.170A-14(C) OF THE
TREASURY REGULATIONS, AS AN ORGANIZATION THAT HAS A
COMMITMENT TO PROTECT THE CONSERVATION PURPOSES OF THE
DONATION, AND HAS THE RESOURCES TO ENFORCE THE RESTRICTIONS.
AS A QUALIFIED CONSERVATION ORGANIZATION, A LAND TRUST MUST
HAVE EXECUTED A COOPERATIVE AGREEMENT WITH THE MARYLAND

1 ENVIRONMENTAL TRUST. A CONSERVATION GROUP ORGANIZED OR
2 OPERATED PRIMARILY OR SUBSTANTIALLY FOR ONE OF THE
3 CONSERVATION PURPOSES SPECIFIED IN SECTION 170(H)(4)(A) OF THE
4 INTERNAL REVENUE SERVICE CODE WILL BE CONSIDERED TO HAVE
5 THE COMMITMENT REQUIRED BY THE PRECEDING SENTENCE.

6 B. APPLICATION FOR A PROPERTY TAX CREDIT.

7 (1) ANY OWNER OF QUALIFIED CONSERVATION LAND MAY APPLY TO THE
8 DEPARTMENT OF TREASURY FOR A PROPERTY TAX CREDIT.

9 (2) TO QUALIFY FOR A PROPERTY TAX CREDIT, THE APPLICANT MUST
10 PRESENT DOCUMENTATION, AS PART OF THE APPLICATION, TO THE
11 DEPARTMENT OF TREASURY WHICH DEMONSTRATES, TO THE
12 SATISFACTION OF THE ELPC AND THE DEPARTMENT OF TREASURY,
13 THAT THE PROPERTY IS QUALIFIED CONSERVATION LAND.

14 (3) AMOUNT OF CREDIT. IN ACCORDANCE WITH THE PROVISIONS OF
15 SECTION 9-220 OF THE TAX-PROPERTY ARTICLE OF THE ANNOTATED
16 CODE OF MARYLAND, AS AMENDED, AN OWNER OF QUALIFIED
17 CONSERVATION LAND SHALL RECEIVE A TAX CREDIT OF A MAXIMUM
18 OF \$500.00 AGAINST THE REAL PROPERTY TAX IMPOSED BY THE
19 COUNTY ON QUALIFIED CONSERVATION ~~LAND.~~ LAND AND
20 IMPROVEMENTS THEREON.

21 (4) THE TAX CREDIT ON QUALIFIED CONSERVATION LAND SHALL BE
22 GRANTED FOR A PERIOD EQUAL TO THE DURATION OF THE
23 CONSERVATION EASEMENT ON THE PROPERTY SUBJECT TO THE
24 ANNUAL CAP OF \$500.00.

25 (5) THESE DOCUMENTS SHALL BE FILED WITH THE DEPARTMENT OF
26 TREASURY.

27 (6) TO RECEIVE THE TAX CREDIT AT THE BEGINNING OF THE NEXT FISCAL

1 YEAR, LANDOWNERS OF QUALIFIED CONSERVATION LAND MUST APPLY
2 BY DECEMBER 31ST OF EACH YEAR.

3 C. ELPC RESPONSIBILITIES.

4 IN CONJUNCTION WITH THE DEPARTMENT OF PLANNING AND ZONING,
5 THE ELPC SHALL REPORT TO THE EXECUTIVE BRANCH AND COUNTY
6 COUNCIL BY DECEMBER 31 OF EACH YEAR THE TAX CREDITS APPROVED
7 THAT YEAR AND IDENTIFY BUDGET NEEDS FOR THE NEXT ENSUING FISCAL
8 YEAR.

9 SECTION 2: AND BE IT FURTHER ENACTED THAT THE COUNTY IS AWARE THAT
10 THIS ACT REPRESENTS A NET TAX REVENUE LOSS FOR WHICH THERE SHALL NOT
11 BE ANY OTHER EXISTING REVENUE ADJUSTMENT MADE TO OFFSET THE LOSS.

12 Section ~~23~~. And Be It Further Enacted that this Act shall take effect sixty (60) calendar days from
13 the date it becomes law.

EFFECTIVE: August 26, 1994

HARFORD COUNTY BILL NO. 94-34 (as amended)

(Brief Title) Tax Credit-Conservation Easements

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

James D. Varmay
Acting Secretary
of the Council

[Signature]
President of the Council

Date June 21, 1994

Date June 21, 1994

BY THE COUNCIL

Read the third time.

Passed: LSD 94-20 (June 21, 1994)

Failed of Passage: _____

By Order

James D. Varmay
Acting Secretary

Sealed with the County Seal and presented to the County Executive for approval this 23rd day of June, 1994 at 3:00 p. m.



James D. Varmay
Acting Secretary

BY THE EXECUTIVE

William M. Belkman
COUNTY EXECUTIVE

APPROVED: Date June 27, 1994

BY THE COUNCIL

This Bill (No. 94-34, as amended), having been approved by the Executive and returned to the Council, becomes law on June 27, 1994.

James D. Varmay
Acting Secretary

EFFECTIVE DATE: August 26, 1994